

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

2024 FEB 12 PM 12:11

CLERK

BY 
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JOHN ANTHONY CASTRO,

Plaintiff,

v.

SARAH COPELAND-HANZAS and
DONALD JOHN TRUMP,

Defendants.

Case No. 2:23-cv-453

DISMISSAL ORDER

A review of the docket in this case reveals the following:

1. On October 2, 2023, Plaintiff John Anthony Castro, a Texas resident representing himself, filed a Verified Complaint against Sarah Copeland-Hanzas, the Secretary of State of Vermont, and Donald John Trump. Plaintiff paid the civil case filing fee and the court issued summonses for each Defendant.
2. On October 18 and November 2, 2023, the court reissued summonses for both Defendants.
3. On January 8, 2024, the court issued an Order requiring Plaintiff to file proof of timely service or to show cause why the case should not be dismissed for failure to serve Defendants. Plaintiff was warned that if he failed to respond by January 26, 2024, "the case must be dismissed under [Federal] Rule [of Civil Procedure] 4(m)." (Doc. 4 at 2.)
4. No further filings have been received as of the date of this Order.

Federal Rule of Civil Procedure 4(m) states that "[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time." Fed. R. Civ. P. 4(m). As an alternative to serving a summons, a plaintiff may request that a defendant waive service of the summons under Rule 4(d). If the defendant timely returns the waiver, "[w]hen the plaintiff files [the] waiver, proof of service is

not required.” Fed. R. Civ. P. 4(d)(4). Otherwise, Rule 4(l)(1) requires proof of service of the summons be made to the court.

On January 8, 2024, over ninety days after the Complaint was filed, Plaintiff was ordered to file waivers or proof of timely service or to show good cause for his failure to serve Defendants and warned that, should he fail to respond, the case must be dismissed.

Because this case was filed four months ago, Plaintiff has failed to file a waiver or to provide proof of timely service as to Defendants, and Plaintiff has not filed a response to the January 8, 2024 Order demonstrating proof of service or good cause for his failure to timely serve Defendants, this case must be DISMISSED WITHOUT PREJUDICE under Rule 4(m).

SO ORDERED.

Dated at Burlington, in the District of Vermont, this 12th day of February, 2024.

A handwritten signature in black ink, appearing to read 'G. W. Crawford', is written over a horizontal line.

Geoffrey W. Crawford, Chief Judge
United States District Court